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10/826,277	04/19/2004	Jeyhan Karaoguz	1875.4890000	9921
26111 7590 12/20/2010 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER HANCE, ROBERT J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/826,277

## Applicant(s)

KARAOGUZ ET AL.

## Examiner

ROBERT HANCE

## Art Unit

2421

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-16, 40-51, 54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-16, 40-51, 54 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1+ have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorsteinsson in view of Watson, 2004/0133923.

**As to claim 1** Thorsteinsson discloses an integrated control system for providing hierarchical control of distributed home entertainment electronic devices, comprising:

a remote interface (Fig. 1: 110) configured to receive a remote control signal that includes a request for an action to be performed at one of the distributed electronic devices (Fig. 9: 901; [0106] – an event from the client site is a button press on a remote control, which includes a request for an action to be performed at the television);

a device database configured to store device information for the distributed electronic devices ([0067]; [0072] – client site context contains information about all devices at the client site);

a controller (Fig. 1: 106) configured to receive the request for the action be performed at one of the distributed electronic devices ([0106]; Fig. 9: 902) and to generate management instructions to adjust the distributed electronic devices responsive to the action to be performed at the one of the distributed electronic devices and the device information (Fig. 9: 907; [0106]);

a translator (Fig. 9: control adaptor 917) configured to translate the management instructions into management messages that are encoded based on communication protocols supported by the distributed electronic devices ([0063] – generic commands are converted into device- and network-specific commands by the control adaptor); and

at least one communications interface configured to transmit the management messages to the distributed electronic devices ([0106] – commands are issued to the client site via a wide-area network).

Thorsteinsson son fails to disclose wherein the controller is further configured to analyze a video signal received by one of the distributed electronic devices to determine if a change in a characteristic of the video signal occurs in response to the distributed electronic devices being adjusted in response to the action to be performed at one of the distributed electronic devices and the device information, and generate second management instructions to adjust the distributed electronic devices based on the change in the characteristic of the video signal.

However, in an analogous art, Watson discloses a controller which analyzes a video signal received by a distributed electronic device to determine its characteristics, and generates a management instruction to adjust the distributed device based on the

characteristics of the video signal ([0175]; [0248] – the set top box sends a WSS message indicating aspect ratio to the television. This WSS message is known in the art to be a management instruction to adjust the aspect ratio of the television).

It would have been obvious to a skilled artisan to modify the system of Thorsteinsson with the teachings of Watson, the rationale being to ensure that video images are displayed using the proper aspect ratio.

**As to claim 9** Thorsteinsson discloses A method for providing hierarchical control of distributed home entertainment electronic devices, comprising:

receiving a remote control signal that includes a request for an action to be performed at one of the distributed electronic device (Fig. 9: 901; [0106] – an event from the client site is a button press on a remote control, which includes a request for an action to be performed at the television);

accessing device information for the distributed electronic devices ([0067]; [0072] – client site context contains information about all devices at the client site);

generating management instructions to adjust the distributed electronic devices in response to the action to be performed at the one of the electronic devices and the device information (Fig. 9: 907; [0106]);

translating the management instructions into management messages that are encoded based on the communication protocols supported by the distributed electronic devices ([0063] – generic commands are converted into device- and network-specific commands by the control adaptor); and

transmitting the management messages to the distributed electronic devices ([0106] – commands are issued to the client site via a wide-area network).

Thorsteinsson son fails to disclose wherein the controller is further configured to analyze a video signal received by one of the distributed electronic devices to determine if a change in a characteristic of the video signal occurs in response to the distributed electronic devices being adjusted in response to the action to be performed at one of the distributed electronic devices and the device information, and generate second management instructions to adjust the distributed electronic devices based on the change in the characteristic of the video signal.

However, in an analogous art, Watson discloses a controller which analyzes a video signal received by a distributed electronic device to determine its characteristics, and generates a management instruction to adjust the distributed device based on the characteristics of the video signal ([0175]; [0248] – the set top box sends a WSS message indicating aspect ratio to the television. This WSS message is known in the art to be a management instruction to adjust the aspect ratio of the television).

It would have been obvious to a skilled artisan to modify the system of Thorsteinsson with the teachings of Watson, the rationale being to ensure that video images are displayed using the proper aspect ratio.

**As to claims 54 and 55** the combined system of Thorsteinsson and Watson discloses that the characteristic of the video signal is an aspect ratio (Watson [0248]).

1. Claims 2-4, 6-8, 16, 40, 42, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorsteinsson in view of Watson, and further in view of Park (of record).

**As to claim 2** the combined system of Thorsteinsson and Watson fails to disclose the integrated control system of claim 1, wherein the at least one communications interface includes a wireless interface.

However, in an analogous art, Park discloses an integrated control system wherein a communications interface includes a wireless interface ([0046]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thorsteinsson with the teachings of Park, the rationale being to have the section of the communications interface within the home be without wires, thereby increasing user convenience by enabling users to avoid placing wires throughout the house.

**As to claim 3** the combined system of Thorsteinsson, Watson and Park discloses the integrated control system of claim 2, wherein the wireless interface is an IEEE 802.11 interface (Park [0158]).

**As to claim 4** the combined system of Thorsteinsson, Watson and Park discloses the integrated control system of claim 2, wherein the wireless interface is a Bluetooth interface (Park [0158]).

**As to claim 6** the combined system of Thorsteinsson, Watson and Park discloses the integrated control system of claim 1, wherein the at least one communications interface includes a wireline interface (Park [0048]).

**As to claim 7** the combined system of Thorsteinsson, Watson and Park discloses the integrated control system of claim 6, wherein the at least one communications interface includes a powerline interface (Park [0049]).

**As to claim 8** the combined system of Thorsteinsson, Watson and Park discloses the integrated control system of claim 1, wherein the at least one communications interface includes both a wireline and a wireless interface (Park [0048]; Figs. 1-2).

**As to claim 16** the combined system of Thorsteinsson, Watson and Park disclose the method of claim 44, wherein the wireless protocols include Bluetooth (Park [0158]).

**As to claim 40** the combined system of Thorsteinsson, Watson and Park disclose the method of claim 9, wherein accessing the device information includes accessing capabilities and status information for the distributed electronic devices (Park



[0088] – IDs are given according to type of appliance, therefore the ID contains information regarding an appliance's capabilities and status).

**As to claim 42** the combined system of Thorsteinsson, Watson and Park disclose the method of claim 9, wherein accessing the device information includes accessing, for each of the distributed electronic devices, a supported communication protocol (Thorsteinsson [0063] - commands are translated into network-specific commands. Therefore each command to each device is sent according to a supported communication protocol).

**As to claim 45** the combined system of Thorsteinsson, Watson and Park disclose the method of claim 9, further comprising:

prior to generating the management instructions, interpreting the remote control signal to determine the action to be performed at the distributed electronic device (Park [0093]).

**As to claim 46** the combined system of Thorsteinsson, Watson and Park disclose the integrated control system of claim 1, wherein the controller is configured to access the device information to generate the management instructions (Park [0060]-[0062]).

**As to claim 47** the combined system of Thorsteinsson, Watson and Park disclose the integrated control system of claim 46, wherein the device information includes capabilities and status information for the distributed electronic devices. (Park [0088] – IDs are given according to type of appliance, therefore the ID contains information regarding an appliance's capabilities: Harris col. 7 lines 49-59 – current state data (status) is accessed).

1. Claims 5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorsteinsson, Watson and Park, as applied to claims 2 and 44 above, and further in view of Willes et al., US Pub No. 2005/0117052.

**As to claims 5 and 13-15**, while the combined system of Thorsteinsson, Watson and Park disclose that communications conform to the standards in the IEEE 802.11 family and other wireless protocols (Park Paragraph 158), it is not specifically stated which standards are being used.

However, In an analogous art, Willes et al. disclose a wireless video distribution network which employs IEEE protocols 802.11b, 802.11e and 802.15.3a (Paragraph 63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the wireless protocols disclosed by Willes et al. in the home entertainment control system of Thorsteinsson, Watson and Park. The rationale for this

combination would have been to not limit the system to any one type of communication protocol.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorsteinsson and Watson in view of Applicant's Admitted Prior Art (AAPA).

**As to claim 11** Thorsteinsson and Watson fails to disclose the method of claim 9, wherein accessing the device information includes accessing a unique identifier for a device that is used to route management messages.

However, AAPA discloses (see Remarks, filed 6/15/2010, Applicant's failure to traverse Examiner's assertion of official notice in the Office Action mailed 3/15/2010) that accessing a unique identifier for a device that is used to route management messages was well known in the art at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thorsteinsson by accessing a unique identifier for a device that is used to route management messages. The rationale for this modification would have been to ensure that the message is received by the proper device.

3. Claims 43-44, 48, 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorsteinsson, Watson and Park as applied to claim 42 above, and further in view of Lo (of record).

**As to claim 43** the combined system of Thorsteinsson, Watson and Park fail to disclose the method of claim 42, further comprising: encoding each management message based on the supported communication protocol of the distributed electronic device to which the management message is transmitted.

However, in an analogous art, Lo discloses encoding each management message based on the supported communication protocol of the distributed electronic device to which the management message is transmitted ([0026]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Thorsteinsson, Watson and Park with the teachings of Lo, the rationale being to ensure the proper reception of commands at each device.

**As to claim 44** the combined system of Thorsteinsson, Watson, Park and Lo disclose the method of claim 43, wherein supported communication protocols include both wireless and wireline communication protocols (Lo Fig. 2; Park Fig. 2).

**As to claim 48** the combined system of Thorsteinsson, Watson, Park and Lo disclose the integrated control system of claim 46, wherein the device information includes routing information for the distributed electronic devices (Lo [0038]-[0039]; Fig. 6).

**As to claim 50** the combined system of Thorsteinsson, Watson, Park and Lo disclose the integrated control system of claim 46, wherein the device information identifies, for each of the distributed electronic devices, a supported communication protocol (Lo [0026]).

**As to claim 51** the combined system of Thorsteinsson, Watson, Park, Lo disclose the integrated control system of claim 50, wherein each management message is encoded based on the supported communication protocol of the distributed electronic device to which the management message is transmitted (Lo [0026]).

4. Claims 41 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorsteinsson and Watson, as applied to claim 9 above, and further in view of Lee, US Pub No. 2003/0227439.

**As to claim 41** Thorsteinsson and Watson fails to disclose the method of claim 9, wherein accessing the device information includes accessing user preferences for settings of the distributed electronic devices.

However, in an analogous art, Lee et al. disclose a similar system in which a user's preferences regarding the settings of various devices are stored in a database ([0010] and [0037]; Fig. 2a: 24; [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thorsteinsson with the teachings of Lee. The

rationale for this modification would have been to allow a user to personalize the command sequence of Thorsteinsson.

**As to claim 49** Thorsteinsson and Watson fails to disclose the method of claim 46, wherein accessing the device information includes accessing user preferences for settings of the distributed electronic devices.

However, in an analogous art, Lee et al. disclose a similar system in which a user's preferences regarding the settings of various devices are stored in a database ([0010] and [0037]; Fig. 2a: 24; [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thorsteinsson with the teachings of Lee. The rationale for this modification would have been to allow a user to personalize the command sequence of Thorsteinsson.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

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